

**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 4: PROTECTION AND IMPROVEMENT OF AIR**

**§582. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1989, c. 546, §11 (AMD).]

**1. Air contaminants.** "Air contaminants" includes, but is not limited to, dust, fumes, gas, mist, particulate matter, smoke, vapor or any combination thereof.

[ 1989, c. 546, §11 (AMD) .]

**2. Air contamination source.** "Air contamination source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores; heating and power plants and stations; buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; garages and vending and service locations and stations, railroad locomotives, ships, boats and other water-borne craft; portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse dumps and piles; and any machinery, equipment, stack, conduit, flue, duct, vent, chimney or other apparatus leading out of any of the foregoing.

[ 1979, c. 127, §212 (AMD) .]

**3. Air pollution.** "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property throughout the State or throughout such areas of the State as shall be affected thereby.

[ 1983, c. 760, §1 (AMD) .]

**4. Air pollution control apparatus.** "Air pollution control apparatus" means and includes any appliance, equipment or machinery which removes, reduces controls, eliminates, disposes of or renders less noxious the emission of air contaminants into ambient air.

[ 1989, c. 546, §11 (AMD) .]

**5. Ambient air.** "Ambient air" means all air outside of buildings, stacks or exterior ducts.

[ 1969, c. 474, §1 (NEW) .]

**5-A. Best practical treatment.** "Best practical treatment" means that method which controls or reduces emissions of air contaminants to the lowest possible level considering:

A. The then existing state of technology; [1973, c. 438, §1 (NEW) .]

B. The effectiveness of available alternatives for reducing emissions from the source being considered; and [1989, c. 546, §11 (AMD) .]

C. The economic feasibility for the type of establishment involved. [1973, c. 438, §1 (NEW) .]

[ 1989, c. 546, §11 (AMD) .]

**5-B. Baseline concentration.**

[ 1979, c. 718, §1 (RP) .]

**5-C. Best available retrofit technology or BART.** "Best available retrofit technology" or "BART" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each visibility-impairing air pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source and the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology.

[ 2007, c. 95, §1 (NEW) .]

**5-D. BART eligible unit.** "BART eligible unit" means an existing stationary facility.

[ 2007, c. 95, §2 (NEW) .]

**5-E. Existing stationary facility.** "Existing stationary facility" has the same meaning as in 40 Code of Federal Regulations, Section 51.301 (2006).

[ 2007, c. 95, §3 (NEW) .]

**6. Board.**

[ 1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §155 (RP) .]

**6-A. Commissioner.**

[ 1977, c. 78, §207 (RP) .]

**6-A-1. Bulk gasoline plant.** "Bulk gasoline plant" means, except for gasoline service stations, any gasoline storage and distribution facility or bulk gasoline terminal with a daily throughput of 76,000 liters, or 20,000 gallons, or less, that receives gasoline from refineries, bulk gasoline terminals or through direct import.

[ 1989, c. 546, §11 (NEW) .]

**6-B. Bulk gasoline terminal.** "Bulk gasoline terminal" means a gasoline storage facility that receives gasoline from refineries, primarily by pipeline, ship or barge, and delivers gasoline to bulk gasoline plants or commercial or retail accounts primarily by tank vehicle and that has a daily throughput of more than 76,000 liters, or 20,000 gallons, of gasoline.

[ 2013, c. 381, Pt. B, §34 (AMD) .]

**7. Emission.** "Emission" means a release of air contaminants into ambient air or the air contaminants so released.

[ 1989, c. 546, §11 (AMD) .]

**7-A. Emission source.** "Emission source" means any and all sources of emissions of air contaminants, whether privately or publicly owned or operated.

[ 1973, c. 438, §3 (NEW) .]

**7-A-1. External floating roof.** "External floating roof" means a storage vessel cover in an open-top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

[ 1979, c. 385, §1 (NEW) .]

**7-B. Fuel-burning equipment.** "Fuel-burning equipment" means any furnace, boiler or apparatus, and all appurtenances thereto, used in the process of burning fuel including stationary internal combustion engines.

[ 1989, c. 546, §11 (AMD) .]

**7-C-1. Fugitive emissions.** "Fugitive emissions" means emissions of air contaminants which do not pass through a stack, flue, chimney or vent.

[ 1989, c. 546, §11 (AMD) .]

**7-D. General process source.** "General process source" means any emission source, except fuel-burning equipment, incinerators, mobile sources, open burning sources and sources of fugitive emissions.

[ 1989, c. 546, §11 (AMD) .]

**7-E. Incinerator.** "Incinerator" means any device, apparatus or equipment used for destroying, reducing or salvaging by fire any material or substance, but does not include any device, apparatus or equipment used to burn material-separated, refuse-derived fuel.

[ 1991, c. 220, §1 (AMD) .]

**7-E-1. Internal floating roof.** "Internal floating roof" means a cover or roof in a fixed-roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

[ 1979, c. 385, §1 (NEW) .]

**7-E-2. Lowest achievable emission rate.** "Lowest achievable emission rate" means the more stringent rate of emissions based on the following:

A. The most stringent emission limitation which is contained in any implementation plan of any state for that class or category of source, unless the owner or operator of the proposed source demonstrates that those limitations are not achievable; or [1989, c. 546, §11 (AMD) .]

B. The most stringent emission limitation achieved in practice by that class or category of source, whichever is more stringent. In no event may "lowest achievable emission rate" result in the emission of any pollutant in excess of those standards and limitations promulgated pursuant to Section 111 or 112 of the United States Clean Air Act, as amended, or any emission standard established by the board. [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §156 (AMD) .]

[ 1989, c. 546, §11 (AMD); 1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §156 (AMD) .]

**7-F. Modification.**

[ 1979, c. 718, §4 (RP) .]

**7-G. Hazardous air pollutant.** "Hazardous air pollutant" means an air pollutant to which no ambient air standard is applicable and which in the judgment of the board causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness. This term includes, but is not limited to, those pollutants for which the United States Environmental Protection Agency has adopted National Emission Standards for Hazardous Air Pollutants pursuant to 40 Code of Federal Regulations, Part 61.

[ 1989, c. 546, §11 (AMD) .]

**7-H. Gasoline dispensing facility.** "Gasoline dispensing facility" means any gasoline service station, bulk terminal or bulk plant or any other facility or organization, governmental or private, that stores gasoline in tanks having a capacity of greater than 250 gallons, and dispenses fuel for motor vehicle use.

[ 1989, c. 197, §2 (NEW) .]

**7-I. Material-separated, refuse-derived fuel.** "Material-separated, refuse-derived fuel" means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

[ 1991, c. 220, §2 (NEW) .]

**8. Municipality.** "Municipality" includes, for purposes of enacting an air pollution control ordinance, only cities, organized towns and plantations.

[ 1983, c. 703, §1 (AMD) .]

**8-A. Opacity.** "Opacity" means the degree of light obscuring capability of emissions of visible air contaminants expressed as a percentage. Complete obscuration shall be expressed as 100% opacity.

[ 1989, c. 546, §11 (AMD) .]

**8-B. Open burning.** "Open burning" means the burning of any type of combustible material in the open ambient air without being completely enclosed and where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney or duct or other device or structure.

[ 1973, c. 438, §4 (NEW) .]

**8-C. Outdoor wood boiler.** "Outdoor wood boiler" means a fuel burning device:

A. Designed to burn wood, biomass fuel products or other solid fuels; [ 2009, c. 209, §1 (AMD) .]

B. That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans or is an indoor-rated device housed in a modular or containerized structure; and [ 2009, c. 209, §2 (AMD) .]

C. That heats building space or water, or both, through the distribution, typically through pipes for a fluid or ducts for air, of a fluid or air heated in the device. [ 2009, c. 209, §3 (AMD) .]

[ 2009, c. 209, §§1-3 (AMD) .]

**9. Person.** "Person" means any individual, partnership, corporation, whether private, public or quasi-municipal, municipality, state governmental agency or other legal entity.

[ 1969, c. 474, §1 (NEW) . ]

**9-A. Process weight rate.** "Process weight rate" means the average total weight of all materials, not including any gaseous or liquid fuels, solid fuels or combustion air, introduced into any manufacturing, industrial or combustion process that may result in the emission of any regulated pollutant to the ambient air, computed on an hourly basis, and shall be expressed in terms of weight per unit of time.

[ 1989, c. 546, §11 (AMD) . ]

**9-B. Petroleum liquids.** "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

[ 1989, c. 546, §11 (AMD) . ]

**9-B. Potential emissions.**

[ 1979, c. 718, §5 (RP) . ]

**9-C. Potential emissions.**

[ 1981, c. 470, Pt. A, §166 (RP) . ]

**9-D. PM10.** "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 Code of Federal Regulations, Part 50, Appendix J and designated in accordance with 40 Code of Federal Regulations, Part 53.

[ 1995, c. 493, §11 (NEW) . ]

**10. Region.** "Region" means an air quality region or regions established by the board pursuant to section 583.

[ 1989, c. 546, §11 (AMD) . ]

**10-A. Resource recovery facility.** "Resource recovery facility" has the same meaning as an incineration facility defined in section 1303-C, subsection 16 except that, for the purposes of this chapter, a facility that burns material-separated, refuse-derived fuel but does not burn municipal solid waste or refuse-derived fuel as defined in section 1303-C is not a resource recovery facility.

[ 1991, c. 220, §3 (NEW) . ]

**10-B. Reformulated gasoline.** "Reformulated gasoline" has the same meaning as in 40 Code of Federal Regulations, Section 80.2(ee) (2012).

[ 2013, c. 221, §1 (NEW) . ]

**11. Ringelmann Chart.** "Ringelmann Chart" shall mean the chart published and described in the United States Bureau of Mines Information Circular 8333, on which are illustrated graduated shades of gray for use in estimating the light obscuring density or opacity of any black emissions or any other such device which may be approved by the board.

[ 1989, c. 546, §11 (AMD) . ]

**11-A. Solid waste fuel.** "Solid waste fuel," when burned as fuel in solid waste fuel-burning equipment, means any material, other than primary fossil fuel, including, without limitation, garbage, refuse, sludge from a waste treatment plant or air pollution control facility, sawdust, shavings, chips, bark, slabs or inert fill material.

[ 1979, c. 476, §2 (NEW) .]

**11-B. Solid waste fuel-burning equipment.** "Solid waste fuel-burning equipment" means any furnace, boiler or apparatus, and all appurtenances thereto, capable of burning solid waste fuel for the primary purpose of producing thermal energy. Equipment used to burn material-separated, refuse-derived fuel either alone or with another fuel other than solid waste fuel or refuse-derived fuel as defined in section 1303-C is not solid waste fuel-burning equipment.

[ 1991, c. 220, §4 (AMD) .]

**11-C. True vapor pressure.** "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

[ 1981, c. 470, Pt. A, §167 (RAL) .]

**11-D. Toxicity score.** "Toxicity score" means a score given to a hazardous air pollutant by the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

[ 2007, c. 589, §4 (AMD); 2007, c. 589, §9 (AFF) .]

**11-E. Air quality units.** "Air quality units" means the toxicity score for a hazardous air pollutant multiplied by the estimated emissions of that hazardous air pollutant.

[ 2007, c. 589, §5 (AMD); 2007, c. 589, §9 (AFF) .]

**12. Waste.** "Waste" means refuse, garbage, rubbish, trash or unwanted or discarded materials of any kind and source.

[ 1989, c. 546, §11 (AMD) .]

Additional words, terms and phrases, whether used in this chapter or not, may be defined for purposes of this chapter by the board by regulation, but in no case may a definition established by this section be altered by board regulation. [1971, c. 618, §12 (AMD).]

#### SECTION HISTORY

1969, c. 431, §9 (AMD). 1969, c. 474, §1 (NEW). 1971, c. 618, §12 (AMD). 1973, c. 438, §§1-6 (AMD). 1977, c. 78, §207 (AMD). 1979, c. 127, §§212,213 (AMD). 1979, c. 381, §§1-5 (AMD). 1979, c. 385, §1 (AMD). 1979, c. 476, §§1,2 (AMD). 1979, c. 541, §A271 (AMD). 1979, c. 663, §232 (AMD). 1979, c. 718, §§1-5 (AMD). 1981, c. 470, §§A166,A167 (AMD). 1983, c. 504, §6 (AMD). 1983, c. 535, §1 (AMD). 1983, c. 703, §1 (AMD). 1983, c. 760, §1 (AMD). 1989, c. 197, §§1,2 (AMD). 1989, c. 546, §11 (AMD). 1989, c. 890, §§A40,B155, 156 (AMD). 1991, c. 220, §§1-4 (AMD). 1993, c. 412, §7 (AMD). 1995, c. 493, §11 (AMD). 2003, c. 689, §B6 (REV). 2007, c. 95, §§1-3 (AMD). 2007, c. 442, §1 (AMD). 2007, c. 589, §§4, 5 (AMD). 2007, c. 589, §9 (AFF). 2009, c. 209, §§1-3 (AMD). 2013, c. 221, §1 (AMD). 2013, c. 381, Pt. B, §34 (AMD).

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